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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,749	05/22/2000	William P. Alberth Jr.	CS10614	1184

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Motorola Inc
Intellectual Property Dept(BMM)
600 North US Highway 45 AN475
Libertyville, IL 60048

EXAMINER

SHIN, KYUNG H

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/575,749

Applicant(s)

ALBERTH JR. ET AL.

Examiner

Kyung H Shin

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1. This action is responding to Amendment received on 3/4/2004.
2. Claims 1, 8, 14, 15 are amended. Claims **18, 19 are new**. Claims **1-19** are presented for examination. Claims **1, 8** and **14** are independent claims.
3. Applicant's arguments have been fully considered but they are not persuasive. The applicant have argued the following:

3.1 Applicant argues that Storck does not disclose granting access to a third device to personal data in either first or second data storage device, only when both devices are operatively coupled together. Storck does disclose that data is accessible and usable (authorization to access data is valid) to a third device only when the first and second personal data storage devices are in communication with each other. (see col. 5, lines 8-15: Data can only be transferred between a first and a second personal data storage device when the first personal data storage device is authorized or operating at a pre-defined authorization level, to send data.); col. 4, lines 31-34; (col. 5, line 64 - col. 6, line 9: Data can be transferred between a first and second personal data storage devices coupled together and a third device.); (col. 12, lines 45-48: The authorization level is divided between two personal data storage devices such that data transfer to a third device is possible only when a first and a second

personal data storage device are coupled together or are used simultaneously, e.g. operating at the same time)

3.2 Applicant argues that there is no disclosure that the data is not accessible and usable when two specific carriers are not in communication with each other. Storck does disclose that data is not accessible when two specific carriers, personal data storage devices, are not in communication with each other. (see col. 4, lines 52-58) The data is not accessible, e.g. cannot be read without authorization such as the input of a personal identification number code, whether two specific carriers are in communication with each other or not.

3.3 Applicant argues that Storck does not disclose that each carrier having a duplicate copy of data where data is accessible and usable only when the carriers are in communication with each other. Storck discloses (see col. 12, lines 24-26) a duplicate copy of data is created on both a first and a second personal data storage device. The status of whether the data is accessible and usable between the first and second personal data storage device is based on disclosures stated in previous response 1 and 2.

Therefore, the rejection of claims 1-15 is proper and maintained herein.

4. The text of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

5. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Storck et al. (U.S. Patent No. 5,434,395)

Regarding Claim 1 (currently amended), Storck discloses a personal data storage apparatus [previously this word was **smart card**] comprised of:

- a) a first user personal data storage device including a memory device storing;
(see col. 11, lines 54)
 - i) a first set of user data; (see col. 11, lines 43-51)
 - ii) a first encryption key for encrypting at least part of said first set of user data; (see col. 2, lines 58; col. 19, lines 56-59)
- b) a first interface circuit coupled to said memory device granting conditional access to a third device to data therein using an appropriate data exchange protocol between the first personal data storage device and the third device only when a second personal data storage device is operatively coupled to said first personal data storage device; (see col. 12, lines 45-48; col. 5, line 64 to col. 6, line 9)
- c) and, a second interface circuit coupled to said memory device and providing communications access to the second personal data storage device. (see col. 11, lines 34-51; col. 5, lines 16-24)

Regarding Claims 2 and 9, Storck discloses the personal data storage apparatus of claim 1 further comprised of a processor (col. 1, line 35), operatively coupled to said memory device and to said first and second interface circuits. (col. 12, lines 7-18 and col. 5, lines 42-47)

Regarding Claims 3 and 10, Storck discloses the personal data storage apparatus of claim 1 wherein said second personal data storage device is operatively coupled to said first personal storage device using a mechanical coupling. (col. 18, lines 31-38 and col. 5, lines 51-63)

Regarding Claim 4, Storck discloses the personal data storage apparatus of claim 3 wherein said mechanical coupling is a connector. (col. 10, line 12)

Regarding Claims 5 and 11, Storck discloses the personal data storage apparatus of claim 1 wherein said second personal data storage device is operatively coupled to said first personal storage device using a wireless connection. (col. 19, lines 14-22)

Regarding Claims 6 and 12, Storck discloses the personal data storage apparatus of claim 5 wherein said wireless connection is a radio link. (Fig. 15, col. 8, line 20)

Regarding Claims 7, 13 and 16, Storck discloses the personal data storage apparatus of claim 1, where an agent of the issuer of the personal data storage apparatus can recreate the user data from a single part of the personal data storage apparatus. (col. 7, lines 5-16)

Regarding Claim 8 (currently amended), Storck discloses a personal data storage apparatus comprised of:

- a) a first personal data storage device comprising:
 - i) a first memory device storing; (see col. 11, lines 54)
 - 1) a first set of user data; (see col. 11, lines 43-51)
 - 2) a first encryption key for encrypting at least part said first set of user data; (see col. 2, lines 58; col. 19, lines 56-59)
 - ii) a first interface circuit coupled to said memory device granting conditional access to data therein using a predetermined protocol and only when a second personal data storage device is operatively coupled to said first personal data storage device; (see col. 11, lines 18; col. 12, lines 45-48)
 - iii) a second interface circuit coupled to said memory device and providing access to a second personal data storage device; (see col. 11, lines 34-51; col. 5, lines 16-24)
- b) a second personal data storage device coupled to said first personal data storage device and being comprised of:

- i) a second memory device storing; (see col. 11, lines 54)
 - 1) a substantially duplicate copy of said first set of user data; (see col. 12, lines 24-26)
- c) a second encryption key for encrypting at least part said first set of user data; (see col. 2, lines 58; col. 19, lines 56-59)
 - ii) a second interface circuit coupled to said memory device granting conditional access to data therein using a predetermined protocol and only when said second personal data storage device is operatively coupled to said first personal data storage device; (see col. 12, lines 45-48)
- d) whereby user data in either said first or second personal data storage device is accessible and usable only when said first and second personal data storage devices are in communication with each other. (see col. 12, lines 45-48)

Regarding Claim 14 (currently amended), Storck discloses a method of securing access to data stored in a personal data storage device comprised of the steps of:

- a) storing personal data in first and second data storage devices that are capable of being operable coupled to each other; (see col. 5, lines 1-7)
- b) encrypting said personal data in a first data storage device using a first encryption key and encrypting it in said second device using a second encryption key; (see col. 19, lines 56-59)

c) granting access to a third device to said personal data in either said first data storage device or said second data storage device only when said first and second storage devices are operatively coupled together. (see col. 12, lines 45-48; col. 4, lines 31-34)

Regarding Claim 15 (currently amended), Storck discloses the method of claim 14 wherein said step of granting access to a third device to said personal data in either said first data storage device or said second data storage device only when said first and second personal data storage devices are operatively coupled together (see col. 5, lines 1-7) is comprised of the step of granting access when said first and second personal data storage devices are coupled together through at least one of either a wireless data link or a mechanical connector. (see col. 12, lines 45-48; col. 4, lines 31-34)

Regarding Claim 17, Storck discloses the method of claim 14 wherein said first and second encryption keys are same. (col. 2, line 58; col. 19, lines 56-59)

Regarding Claim 18 (new), Storck discloses a method of securing access to data stored in a personal data storage device comprised of the steps of:

- a) storing personal data in a smart card and an enabling key device that are capable of being operably coupled to each other; (see col. 19, lines 51-56)

- b) encrypting said personal data in the smart card using a first encryption key and encrypting said personal data in the enabling key device using a second encryption key; (see col. 19, lines 56-59)
- c) prohibiting a transaction between the smart card and another device unless the smart card and the enabling key device are operatively coupled together. (see col. 12, lines 45-48)

Regarding Claim 19 (new), Storck discloses the method of claim 18, wherein said step of prohibiting a transaction between the smart card and another device unless the smart card and the enabling key device are operatively coupled together (see col. 5, lines 1-7) is comprised of the step of prohibiting the transaction unless the smart card and the enabling key device are coupled together through at least one of wither a wireless data link (see col. 8, lines 20) or a mechanical connector. (see col. 10, lines 12)

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H Shin whose telephone number is 703-305-0711. The examiner can normally be reached on 6:30 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 703-305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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May 16, 2004


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